

THE DAILY HERALD.

Salt Lake City, Utah.

SATURDAY, JULY 9, 1887

SALT LAKE OVERMARKET.

Wholesale daily by McCormick & Co., Bankers

SALT LAKE CITY JULY 8, 1887.

In New York. 95% per oz.
In Salt Lake. 95% per oz.
In London. 46% per oz.
In New York. \$4.40 per 100 lb.
In Salt Lake. 50.00 per ton

LOCAL BRIEFS.

McCORMICK & Co. received yesterday: Hanger bullock, \$3,850.

Two new bathing clubs are being formed for Garfield Beach.

THE ENGINEERS leave for Park City this morning at 6 o'clock.

THREE HUNDRED more bathhouses are an absolute necessity at Garfield Beach.

THERE are messages at the Western Union Telegraph Office for John S. Lindsay and Roy & Co.

ORDERS for extra copies of tomorrow's HERALD should reach the business office by noon to-day.

THE COURT COURT is still in session as a board of equalization, and patiently listening to all complaints brought before it.

MARSHAL DYER says he has made no arrangements yet for Hopt's execution on August 11th, and does not know where it will take place.

THERE is talk of a three days meeting on the race course here about July 24th, and an offer of a purse to L. C. Lee to pace against his record.

SPENCER CLAWSON remembers the tribulations of the reporter during this sort of weather and sends this office a supply of fans. May the rotundity of his shadow never diminish.

THE old boat Garfield has been moved about thirty feet, and Captain Douris, who is aboard of her, is awaiting a storm from the north, when she will float, and be readily towed back to the Pavilion.

THE Tribune was annoyed and worried yesterday that the non-Mormons in the Twelfth Ward did not name a delegate to the Liberal Territorial Convention. It is probable that Mr. Isadore Morris' suggestion drove it out of the mind of the meeting.

ROBERT HENDERSON, one of the Mormons who has served his term but whom Commissioner Norrell refused to release, has applied through Mr. Hoyle for a writ of habeas corpus, which has been granted by Judge Zane, and the case will be heard within a short time.

THE SUNDAY HERALD of to-morrow will be more than usually attractive. In addition to the regular departments it will contain the Constitution of the State of Utah, which should be thoroughly read and studied by every resident of the Territory. Orders for extra copies should be handed in to-day by noon.

MR. ALMA PRATT, manager of the Boulevard, has an announcement in THE HERALD this morning in reference to the Drive, which should be promptly responded to by all owning vehicles who use the Boulevard, but have not yet subscribed to the sprinkling fund. We trust the gentleman will receive all the support necessary to make a success of his undertaking.

THE non de plume of the *Confession* of Salt Lake correspondent "Do do" reminds us of the old and applicable ministerial chestnut: Middleman—You're a "Do do." Bones—No, I ain't, M.—Yes, you are, B.—How do you know, M.—Because I looked over the state at the Gem bar, the other day, and saw your name—Mr. Bones, one drink, and all the way down the page, do do.

MR. A. S. POST, mail carrier of the Fourth Precinct, was badly injured yesterday afternoon. While riding near Arsenal Hill, his horse stumbled and fell, dislocating his shoulder blade. Notwithstanding his severe injuries, he distributed the remainder of his mail before he reported at the postoffice. Mr. Post will probably be laid up two or three weeks.

WE were shown yesterday by Mr. John R. Howard some very fine samples of home-made silk handkerchiefs. There were various designs on them, the newest being the representations of Z. C. M. I. and Assembly Hall. They are genuine goods and should be used everywhere in Utah. They are manufactured by the Salt Lake Silk Company, No. 232 W. First South Street.

LIBERALS in the Second precinct where it is liberal majority exists, if it exists anywhere, do not seem to take as good part in the election of the Fifth precinct Liberals in insisting that Mr. Thomas Marshall should be insisted on as councillor for the two districts. The second precincts, who hold their meeting to-night, will be apt to think that the nominee should come from the heaviest side of the city.

SEVERAL HUNDRED people, among them the visiting Engineers and their ladies, assembled at the Tabernacle last evening at 6 o'clock, and for an hour sat in wrapt attention listening to the organ recital rendered by Prof. Daynes. Some exquisite numbers were rendered, and the appreciation was very general, it was a matter of regret, however, that the vocal part, so bright a feature of the last recital, could not have been repeated.

NOT LONG ago P. H. Lannan, in speaking with Judge E. G. Woolley, said the Tribune never called names and did not believe in scurrility; yesterday's column of fifth, slander and abuse heaped upon the members of the State Convention by Sub-Editor William Nelson is the most brilliant backing Mr. Lannan's statement could have received. It was not necessary to print that special dispatch "from Crater, Nebraska," to show that Editor Goodwin was out of town.

At the "Occidental" the beverages consumed, whether in the winter, during summer or fall, are delicious, pure and superior. Full stock of spirituous, vinous and fermented liquors and choice cigars. Family trade a specialty. ALEX & MURPHY, Proprietors.

120 cases Fairbank's No. 1 and No. 2, in original cases, bought at a bargain, now offered in lots to suit at \$7.50 per case of 10 gallons. Order quick at CULMER'S.

A STARTLING CASE.

The Very Odd Marriage of Mrs. "Preston."

HYRUM BARTON IN TROUBLE.

A Very Malodorous Case, With Some Exceedingly Tough Yarns Thrown In.

Hyrum Barton is the name of a young man of well known and respectable connections; he has figured as a schoolmaster, and was until recently a partner in the firm of Barton & Co., opposite Studebaker's on Main Street.

Laura Berry is the name of a girl who, when very young, commenced clerking for Barton & Co., and might almost be said to have grown up behind their counters. Not long since the names of these two became mingled in a very unsavory manner, though the details, however much they were noised about by rumor, have never yet been made public. Barton was a married man, and reputedly divorced from his wife, and his subsequent disappearance, together with that of Miss Berry, were among the features of the scandal. Public interest in the case will be revived by the knowledge that Deputy Exum came down from Ogden yesterday morning, bringing with him Barton, Miss Berry and a small infant, which the young lady carried. Barton had been arrested on a charge of polygamy, and Miss Berry was wanted as a witness.

The complaint, sworn to by Deputy Cannon, charges that while Barton's first wife, Georgina Calder, Barton, was living, he feloniously married one Laura Berry. The examination was set for 2 o'clock before Commissioner Norrell, and at that hour a large number of witnesses was in attendance. The first one called by Mr. Peters was

BISHOP O. F. WHITNEY

who testified that Barton and Miss Berry had once lived in his ward, the Eighteenth. Barton had never applied to him for a recommendation to take a second wife. Miss Berry had come to him for a recommendation to go through the Temple about two years ago; he had not granted it. There was a case pending before him as bishop, in which Barton was on trial. The accusations were that he had obtained a divorce from his first wife and married Miss Berry. He had since moved away from the Eighteenth Ward and no decision had been reached. I don't know, said Bishop Whitney, what her purpose was in wanting to go to the temple; she didn't state it. I declined to recommend her. She was living in my ward then. I have not seen her for a long time, and don't know whether she obtained a recommendation from anyone else. His first wife has two or three children, but I don't know them well enough to state their ages. I should judge the youngest to be 2 or 3 years of age. I know nothing of his marriage with Laura Berry, except rumor. In my neighborhood it is rumored that he married her after having obtained a divorce from his first wife. Bishop Whitney was excused, and

MRS. GEORGINA BARTON,

the first wife, was called. She testified: "I have lived in the Eighteenth Ward most of my life. I am not now a married woman; I was divorced on December 2d or 3d, 1885, by the Probate Court."

Q—At whose instance?

A—At my own.

Q—Didn't he tell you?

A—We had words sometimes. I said I would get a divorce and he said I should have one. We were married in 1880, and we had no trouble till the summer of 1880. The trouble, and the only trouble, was Laura Berry. He had been taking her out, and I objected to that. When I taxed him with it he admitted having taken her out for drives; that is, he admitted part of it. Any way, the result was I obtained a divorce from him. Laura Berry was clerking in the store of Barton & Co., I only know by report that she has a child. I did not accuse my husband of being the father of the child. I heard by report that he had married her, both before and after my divorce. I didn't find out when the marriage had taken place. He said I could believe all I liked, but everything wasn't true all I heard. After he had a divorce he remained boarding at my house six months.

Q—Then there wasn't a very bitter feeling existing between you?

A—The witness made no direct answer to this. "We ceased living together as husband and wife some time before I had the divorce—a month or two. I am positive that it was more than a day or two. He has called at my house once in a while recently but has not lived there. He came last Christmas and remained a couple of days. He called again about the Fourth, and staid over from Sunday evening till Tuesday. We did not occupy the same room. He contributes to my support. The witness was asked whether she was not known as Barton's wife and whether he did not still treat her as his wife. She replied no.

Q—Wasn't that divorce simply a sham suggested by him so that he could marry Miss Berry?

A—It wasn't intended so!

Q—Well, isn't that the fact?

A—Long pause and then the witness answered, "I presume it was."

Q—You presume so?

A—Yes!

MISS LAURA BERRY,

Smiling, cool and self-confident, came in, smiled and bowed to Mr. Peters, then slightly yawned and gave her name as "Laura Berry." She testified: "I live in Ogden; was there all last winter till now. I went to Ogden last fall. Before that I lived in Salt Lake with my mother. Just before I went I had been living in the Tenth Ward with Mrs. Sellers."

Q—When did you leave home?

A—Made spring of 1886.

Q—Why did you leave home?

A—Because I had my reasons, I suppose.

Q—Because you had been getting married about that time, wasn't it?

A—No, sir; it wasn't. I was married about two years ago, I think. I don't know when it was, or in what ward. I don't know

HOW OR WHEN

I was married exactly.

At this strange answer the commissioner and prosecutor looked up, paused and then went on.

"I was clerking at Barton's store two or three years ago. I don't know whether it was about the time Mr. and Mrs. Barton had some trouble."

Q—Now come back to the question of your marriage. Where were you married?

The witness said she didn't know where, at whose house or on what street. I was married to a gentleman I had met a few weeks before, and we went somewhere, and some man performed a little ceremony, and I took it to be a marriage. I don't know who this gentleman was who did the ceremony. He was a young friend of the gentleman I married. I don't know what the words were, he said a few lines and

I THOUGHT I WAS MARRIED.

I don't think it was a marriage now. I met the gentleman around the street somewhere, and drove out with him, but I never had a room with him. I can't remember where my child was born. I think she is about 10 months old. Yes, I think I've had her about ten months. I don't know the date of her birth any more than I know what the day of the month is now. I know it's August, but that's all.

Q—Where was the child born?

A—(Pausing.) I refuse to tell.

Q—You refuse to tell?

A—I do. It can't concern anyone, and I refuse to tell when she was born. It was in Salt Lake. It was in no one's house, and I was all alone. There was not a soul with me, and no one, not even my mother, knew about it. Mr. Barton didn't know. I won't tell where my child was born. Mr. Barton has lived at my house in Ogden, paying \$15 a month board, and I think that's cheap enough. When I opened my house in Ogden, I didn't have a single article of furniture—not a thing. I got things gradually by taking in sewing. When Mr. Barton started to board with me he furnished his own bed and I had mine. I did not move to Ogden at his request. I was on the street five days after my baby was born—with my baby in my arms. Mr. Barton didn't tell me to go to Ogden, and I didn't know he was going. We simply happened to go on the same train together.

Q—What was the name of this man you married?

Q—Mr. Peters asked quizzically.

"Preston" was the name he gave me," was the prompt reply. "I have never seen him since two or three weeks after my marriage. John Preston is the father of my child. He was a stranger here. I think I met him, went with him a few weeks and married him, or I thought I did."

MR. PETERS—Was he a white or a black man?

A—A white one I guess. He looked like it.

MR. PETERS paused and then slowly said: "Isn't Mr. Barton the father of that baby?"

A—He is not.

Q—How about the rides you took with Mr. Barton?

A—That's all right. I used to like riding and I never. I never went through any ceremony of marriage with Mr. Barton. Since he commenced boarding with me, I have talked with him about marriage. He said if he could marry me through the Mormon Church he would do it. If he could I would marry him to-day. My baby name is Birdie Preston. I am Mrs. Preston. That's the name I am always known by.

Q—Why did you give your name as Miss Berry in this room?

A—Well I guess it because I don't know the way of the courts.

Q—Don't you know that you are reputed to be the second wife of Mr. Barton?

A—I've heard of it, and I wish I were.

Q—What does his wife think of it?

A—I only think of myself.

MR. PETERS gathered himself together and said: "I want to know now when your child was born?"

A—I believe I shall decline to answer that question.

MR. PETERS—I believe I shall insist upon your answering it.

A—Well I won't.

MR. PETERS—Then you'll have to go to jail.

The commissioner took the witness in hand and urged her to change her mind, saying he didn't desire to be harsh, but he thought it a material question and would have to commit her to the authorities. He would give her till 4 o'clock to think over the matter.

Barton said he would like to ask the witness a question, whether she declined for the reason that she didn't want it to get into the papers, and she said she didn't want anyone to know it. She then retired in charge of a deputy to think the matter over.

MISS POLLY BERRY,

a pretty and modest young girl, an employee of the Telephone office, sister of the last witness, was sworn. She was in great distress, and testified with difficulty.

Laura Berry is my sister. I have never known her by any other name. She left home in the spring of 1880; she left for some purpose of her own; she never confided any of her secrets to her family, and we don't know. It is considered in our family that she is married to Mr. Barton. We supposed that when she left the house she left for that purpose. She left very unexpectedly. I haven't the least idea how old her baby is, and to-day is the first time I have seen her since she left home. When she left home, she had nothing with her but her clothing. She quit working in the store about December, 1885. It was not understood in the family so soon as that that she was married to him. It was understood, however, some time before she left home. I'm sure I don't know who the father of the child is. We have felt too badly about it to discuss it. I never heard of her marrying a Mr. Preston.

THE MOTHER OF THE GIRL,

Mrs. Mary Smith was in the room, and though she was very unwilling, she was sworn and compelled to testify:

"My daughter left home a year ago last autumn. She called once, about the last of July, to get a dress she left. I did not think she was in a delicate condition then. I never heard till to-day she had married a man named Preston. I never saw her child. I heard that Mr. Barton had married my child after he had divorced his wife. I never thought she was living in polygamy. I searched the records and found he had been divorced. A relative of Mr. Barton's told me Judge Pyper had married her, and I went to him, but he said he had never even seen my girl. I don't know when my girl's child was born. She sur-

prised me by her conduct as much as anyone."

Laura Berry now entered the room, and Mr. Peters asked her what she had concluded. Her reply was that she had not concluded anything; she didn't want to.

"Why?"

"Because I don't think it's necessary. There was no one there at the time."

Q—No physician?

A—No one. I was all alone.

The witness was asked when she called on her mother for her dress. She said her child was home at that time. By her mother's statement this was July of last year. Mr. Peters informed her that this would make the child 14 or 15 months old, but she was as ever imperturbable. She maintained that no one had supported her and that she had had no money from Barton till he commenced to board with her in Ogden. She maintained that she had never slept in the same bed with him. Her baby was now with her sister, Mrs. J. T. Little. The baby was not able to walk. It was still nursing. She still refused to tell when the baby was born.

MR. PETERS asked whether she would tell the judge if no one else heard.

The commissioner asked if she would tell him, if all reporters were excluded. Shemerey said "It seems so funny that you should want to know." The judge informed her that she was not the judge of that and after some deliberation she said she would tell the court if the papers never got to know, and if everyone else went out. Accordingly, the marshal, the deputies, the reporters, Barton, the witness' mother and even Mr. Peters himself, retired and left Mr. Norrell and the witness alone together. Five minutes elapsed and the door was again opened. The revelation had evidently been made, as the girl was seen.

OFFICER W. W. CALDER, uncle to Barton's first wife, next testified. It is reported, and has been reported for two years in the family that Laura Berry was married to Barton.

GEORGE CALDER testified to the same thing, and said that reports dated back some two years.

MRS. ELLEN BARTON—Hyrum B. Barton is my brother-in-law. I have known him since he was two years old. It is generally reported in the family that Laura Berry is his wife. I don't think the rumor reaches as far back as two years.

Mrs. D. O. CALDER, aunt to Barton's wife, testified to the same thing, and thought the rumor reached back to two years ago.

BARTON HIMSELF

asked the witness whether such a report existed before the divorce. She returned him a sharp "Yes," and he subsided.

Barton was asked whether he had any witnesses. He said no, excitedly, and said he would like to have asked Bishop Whitney a question: that was this: Whether it was not impossible to go into polygamy without a recommendation. He knew it was impossible.

Did you get a recommendation from Bishop Whitney, he asked, turning to Mrs. "Preston." "I went and couldn't get one," she replied. "There!" said Barton, triumphantly, and seemed to think his innocence established. Questioned closely about marrying Miss Berry, he said he had proposed to her at various times, but not before he was divorced. He was certain about that. Did not know what the girl was asking a recommendation for. Bishop Whitney refused two years ago. He had told his wife she could have a divorce if she wanted it—he would ride around with Miss Berry as much as he pleased. The divorce was no sham as far as he was concerned. He knew the complaint had been filed one day and the divorce granted the next. He knew nothing of the baby; was surprised when he saw it; knew nothing of its parentage except what she had just said about Preston.

Q—I'll ask you, Mr. Barton, if that baby don't belong to you?

A—It does not.

Pressed for a reply to other questions of a similar nature, Barton said he had never had intercourse with the girl in his life; he had thought he ought not to board at her house, as it might be misconstrued. He had never had intercourse with his first wife since his divorce; had merely called to see his children.

This wound up the case and the Commissioner said he would render his decision this morning. Barton asked if he could go, if he gave his word of honor to return in the morning, and was petrified when the Commissioner replied "No."

His bonds were fixed at \$1,500 over night. Ex-Mayor Little was procured as one bondsman, and as he guaranteed to find another, Marshal Dyer allowed the defendant to depart.

Lost

On July 4th, between Third West and Main Street, a golden bracelet set with jet. Leave at this office and be rewarded.

We make a specialty of fine Watches, Jewelry and Silverware. Prices the lowest. L. HOLLANDER, 148 Main St.

Four million Aromatic Cheroots sold in California last month. Just arrived here. Knock out cigarettes. Four for 10 cents. For sale everywhere. G. F. COLMER & BROS., Agents.

For all kinds of plumbing, steam and gas fitting, go to J. W. FARRELL & Co., 136 Main St., opposite Teasdale's. Telephone No. 193.

Notice

We will continue our cost for cash furniture sale until further notice.

SMOKE the Eagles, the new nickel-cigar, at Greenwald's.

Turf Club House and Restaurant, at the Driving Park, now open, under the management of Bechtel & Sands.

Best Floor Covering For Summer.

Chinese Matting, Plain or Fancy, at H. DINWOODY'S.

LARGE lot, ten different kinds, 5 to 15 cent cigars, offer at \$30 per 1,000, for few days only, at CULMER'S.

Fishing Tackle, Tents, and camping outfits. Guns and tents let by day, week, or month, at EVANS & SPENCER'S.

IN THE NORTH COUNTRY.

A Salt Laker Enjoying His Vacation—General Notes.

How very sorry I do feel for you, sweltering in the heat, stench and dust of the crowded vicinity of Main Street, as I lie comfortably on a downy bed of newly cut grass, wild pansies, etc., under the cherry and apple trees, in this lovely though quiet retreat, and enhance my pleasure by teasing you with my scribbling. Was there ever a little spot that nature has done so much for and enterprise so little, as this Willard? True, the homes are comfortable, though plain, and the orchards unsurpassable in the quality of their products, if not in variety. There is plenty of shade; and the surrounding farms covered with most luxuriant crops, all bespeak the industry and thrift of the people; in fact, a more industrious, sociable, contented and comfortable community than this need not exist. But what natural resources might be pointed to that are left unheeded. It is scarcely two miles from the base of the almost perpendicular grand peaks to the edge of the placid waters of the Bear River Bay, the little town lying snugly between, being administered to from the one side by the most crystal cool stream of water (which comes tumbling down almost in foam to the town) ever Old Sol manufactured from spotless snows. How it seems to long to be converted into fantastic fountains. The water pipes would scarcely need to extend more than a quarter of a mile above the village to insure an immense pressure. And who can estimate the extent of the beauty that would scatter around these naturally clean, quiet, lovely homes? From the opposite side comes the cool, healthy, refreshing breeze from the lake; even in the hottest days this breeze gives the most pleasant relief the moment one seeks the shade (or at least finds the water, and as it sweeps over the grain-laden fields and grass covered meadows, it gathers up their fragrance, and coaxingly tempts one to leave his bower and roam the fields. And the moment you are there, if you ever have got accustomed to the luxury of paying from 25 cents to \$1 for a boat ride, the sight of the lake gives you a sudden yearning to hoist your sail or "paddle your own canoe." Yet the good people of Willard are as innocent and free from these longings, apparently, as if they inhabited an oasis in the middle of the Sahara. Strange, we appreciate only that not within our convenient reach. A natural mound extends for two miles or more within a little distance of the water, just as if it had been created for driven and walks in the lake breeze in the cool of the evening or morning. By the way, the immense craggy mountains shelter the place from the sun's heat for nearly two hours in the morning, after it begins to scorch the western promontory, and thus makes it, to the early riser, as delightfully cool as the evening. Four miles to the south are the noted hot springs, where everybody goes to be cured (excepting those living too near). As fine a race track as Utah affords is in the vicinity. Half a mile to the northwest there is a natural fish pond, a mile or more in extent, that only lacks more fish to make it a feature. Scenery! The curve in the bay reminds one of the Naples peaks to the east of the great D. & R. G. scenery, the canyon, with its steep, curving sides of rocky veins, being another Royal Gorge. True, it is steep to ascend, but it has almost every natural grandeur to repay one (unless very fleshy) for the toil of ascending. The waterfall may be dimly seen from the little town until it vanishes late in the summer. The series of landscape pictures one views from the various points where, on ascending, he gets a glimpse of the valley below, is simply enchanting. (I have, in years gone by, toiled up to the timbers, urging along my yoke of oxen, and stopped to rest in these places, but Buck and Bolly and I thought but little of the beauty of the scenes then, though the recollections help me to appreciate them now.) All these and other attractions, the probable developments of the mines, etc., whisper that some day Willard will yet come out.

OGDEN.

Of course, I passed this quiet village on my way. The people were flocking out of this town and elsewhere, where they could have a celebration. The band boys could find none nearer than Boise City. Prof. Edwards and some other noted citizens were content with Willard. From him I learned that in spite of the Ogden press (who were thirsting for classics), the apollodotes of Ogden were doing Beshazhar, intending, if they can get the right to do so, to present to the people the most important feature of the original work, which Salt Laker escaped, the stage settings, castings, etc. The professor provokingly intimated that the preliminary work of learning the music would soon be accomplished, as the chorus work was already mastered to the last chorus but the finale, though they have had but four rehearsals. I gaped out something about six months labor for Salt Laker and inquired for his readers, when he cuttingly replied "Method and work, my boy. Work, man, work! When we meet we work. To sing it from the books, we could give it in a month, but they must have time to commit to memory and rehearse stage actions."

My only chance to get even was to report that we no more thought of anything below Handel, and that in four rehearsals we had been almost through the Messiah. I did not add how long it might take us to finish and commit to memory. The question is, will Ogden and Salt Lake become musical villages.

CITY DUK.

Willard, July 5th.

The finest heavy turnouts at Grant Bros. Co.

60 BARRELS Ready Mixed Fir-pine Paint offered at 87½ cents per gallon at CULMER'S.

The best saddle horses at Grant Bros. Co.

To-day's Conventions.

In the twenty-four Legislative districts of the Territory, conventions will be held at noon to-day to nominate the men who are to make up the House next winter. Particular interest attaches to the men put up in the Twelfth district to the County Court House, Hall; to the Seventh, which meets at Coalville, and to the Fourth, which meets in the County Court House in Ogden, as in all these the contest will be a close one. Thirty delegates will make up each convention. At 3 o'clock this afternoon the county convention to nominate certain county officers to be voted for in August, meets at the County Court House. The county of Summit also holds a convention for the same purpose, and there will be the usual hard tussle out there over the election.

Utah Judges to be Removed.

WASHINGTON, July 6.—It is authoritatively stated to-day that the President has decided upon the removal of Judge Zane and Boreman, of the Utah Territorial Supreme bench. This will not be done, however, until after the proposed Constitutional Convention has been held. Messrs. Zane and Boreman are the last of the Republican judges left upon the Territorial benches. Great pressure has been brought to bear upon the President to take this step ever since the incoming of the present administration. The President, however, declined to move in the matter until well substantiated charges had been preferred against them. The charges, it is understood, are based principally upon undue partisanship, and one of the causes, at least, reflect severely upon the accused's judicial integrity.—Special to Denver News.

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